

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 05-1849 JH

DANA JARVIS,

Defendant.

ORDER DISMISSING DOC. 1713 WITHOUT PREJUDICE

This matter comes before the Court on the motion of Defendant Jarvis for Dismissal of his Motion to Dismiss Third Party Petitioner at Doc. 1713. The Court, being fully advised in the premises, finds that the motion is well taken and that this matter is ripe for final disposition.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, as follows:

The Defendant's Motion for dismissal without prejudice of Doc. 1713 [Doc. 1727] is granted, upon the Parties' agreement, incorporated herein, that:

The Parties have agreed that the proposed Final Order of Forfeiture submitted by the United States as to 1440 Calle Cielo Vista, [Doc. 1711] should be entered, and such has been entered at Doc. 1726. Mr. Jarvis agreed to forthwith dismiss, without prejudice, his Opposed Motion to Dismiss Wells Fargo Bank as Third Party Petitioner [Doc. 1713], and this Order dismisses Doc. 1713 without prejudice. The United States and Wells Fargo Bank will now resolve their matters as to 1440 Calle Cielo Vista and then Wells Fargo Bank will dismiss the state foreclosure proceeding at *Wells Fargo v. Jarvis*, No. D-1329-CV-200701307, with prejudice. When the state dismissal with prejudice has

been entered, Mr. Jarvis will withdraw his Second Motion to Enforce the Plea Agreement [Doc. 1705], by dismissing Doc. 1705 with prejudice, as all matters regarding the subject real property will then be resolved.



Judith C. Herrera
United States District Judge

SUBMITTED BY:

Electronically submitted 9/15/2009

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